

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNM RAINFOREST INNOVATIONS,

Plaintiff

V.

**GLOBALFOUNDRIES INC.,
GLOBALFOUNDRIES U.S. INC.,
AND GLOBALFOUNDRIES U.S. 2 LLC**

Defendants

Case No. A-20-MC-01111-RP

V.

ADVANCED MICRO DEVICES, INC.

Non-Party Movant

V.

UNM RAINFOREST INNOVATIONS,

Respondent

ORDER

Before the Court are Advanced Micro Devices, Inc.’s (“AMD”) Opposed Motion to Quash Deposition Subpoena, filed November 9, 2020 (Dkt. 2); UNM Rainforest Innovations’ (“UNM”) Response in Opposition to AMD’s Motion to Quash Deposition Subpoena, filed November 16, 2020 (Dkt. 9); and UNM’s Unopposed Motion for Intra-District Transfer of AMD’s Motion to Quash Deposition Subpoena to the Waco Division, filed November 11, 2020 (Dkt. 3). On November 12, 2020, the District Court referred the Motion to Quash to the undersigned for disposition, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas.

On March 27, 2020, UNM filed the underlying patent infringement lawsuit against Defendants GLOBALFOUNDRIES Inc., GLOBALFOUNDRIES U.S. Inc., and GLOBALFOUNDRIES U.S. 2 LLC (collectively, “Defendants”) in the Waco Division of the United States District Court for the Western District of Texas. *See* 6:20-cv-00243-ADA.

On October 26, 2020, UNM served Non-Party AMD a subpoena to testify at a deposition on November 10, 2020, in Dallas, Texas. Dkt. 2-1. On November 9, 2020, AMD filed the instant Motion to Quash the Third-Party Subpoena pursuant to Federal Rule of Civil Procedure 45(d)(3)(A), arguing that the Subpoena is overbroad, burdensome, and unreasonable. Although UNM opposes the Motion, it asks the Court to transfer the Motion to Quash to the Waco Division, where the underlying litigation is pending. AMD does not object to the Motion to Transfer. *See* Dkt. 2 at 1 n.1.

Federal Rule of Civil Procedure 45(f) provides that “the court where compliance is required . . . may transfer” a motion to quash “if the person subject to the subpoena consents or if the court finds exceptional circumstances.” Because AMD consents to the transfer, the Motion to Quash should be transferred to the Waco Division. *Id.*

UNM’s Unopposed Motion for Intra-District Transfer of AMD’s Motion to Quash Deposition Subpoena to the Waco Division (Dkt. 3) is **GRANTED**. Accordingly, the Court **HEREBY TRANSFERS** AMD’s Opposed Motion to Quash Deposition Subpoena (Dkt. 2) to the Waco Division of the United States District Court for the Western District of Texas. **IT IS FURTHER ORDERED** that this cause of action is **CLOSED**.

SIGNED on November 17, 2020.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE